

## IN THE CLAIMS

1-75. (Canceled).

76. (Currently Amended) A method for conferring selective cytotoxicity on a target cell, said method comprising contacting a cell which allows an  $\alpha$  fetoprotein transcription regulatory element (AFP-TRE) to function with an adenovirus vector comprising more than one adenovirus gene essential for viral replication under transcriptional control of an AFP-TRE wherein the AFP-TRE comprises a sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:2, nucleotides from about 1 to about 600 of SEQ ID NO:1, nucleotides from about 300 to about 600 of SEQ ID NO:1 and nucleotides from about 600 to about 822 of SEQ ID NO:1, whereby the vector enters the cell and replicates.

77. (Currently Amended) The method of Claim [[71]] 76, wherein the AFP-TRE comprises an enhancer sequence presented as nucleotides from about 300 to about 600 of SEQ ID NO:1.

78. (Currently Amended) The method of Claim [[71]] 76, wherein the AFP-TRE comprises an enhancer sequence presented as nucleotides from about 1 to about 600 of SEQ ID NO:1.

79. (Currently Amended) The method of Claim [[71]] 76, wherein said AFP-TRE further comprises a promoter from an AFP gene presented as nucleotides from about 600 to about 822 of SEQ ID NO:1.

80. (Currently Amended) The method of Claim [[71]] 76, wherein the AFP-TRE comprises SEQ ID NO:1.

81. (Currently Amended) The method of Claim [[71]] 76, wherein the AFP-TRE comprises SEQ ID NO:2.

82-87. (Cancelled).

88. (Currently Amended) A method of suppressing tumor growth in a individual having an AFP-expressing tumor, comprising contacting the tumor cells with an adenovirus vector comprising more than one adenovirus gene essential for replication under transcriptional control of an AFP-TRE, wherein the AFP-TRE comprises a sequence selected from the group consisting of SEQ ID NO:1, SEQ ID NO:2, nucleotides from about 1 to about 600 of SEQ ID NO:1, nucleotides from about 300 to about 600 of SEQ ID NO:1 and nucleotides from about 600 to about 822 of SEQ ID NO:1, whereby the adenoviral vector transfects the tumor cells and replicates.

89. (Currently Amended) The method of Claim ~~[[83]]~~ 88, wherein the AFP-TRE comprises an enhancer sequence presented as nucleotides from about 300 to about 600 of SEQ ID NO:1.

90. (Currently Amended) The method of Claim ~~[[83]]~~ 88, wherein the AFP-TRE comprises an enhancer sequence presented as nucleotides from about 1 to about 600 of SEQ ID NO:1.

91. (Currently Amended) The method of Claim ~~[[83]]~~ 88, wherein the AFP-TRE further comprises a promoter from an AFP gene presented as nucleotides from about 600 to about 822 of SEQ ID NO:1.

92. (Currently Amended) The method of Claim ~~[[83]]~~ 88, wherein the AFP-TRE comprises SEQ ID NO:1.

93. (Currently Amended) The method of Claim ~~[[83]]~~ 88, wherein the AFP-TRE comprises SEQ ID NO:2.

94-101. (Canceled).